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UNITED STATES DISTRICT COURT

for the Central District of California

11 Louis A. Coffelt, Jr.,)
12 Plaintiff,)
13 --v--)
14 Autodesk, Inc.,)
15 Defendant.)

Case No.: **5:17-cv-01684-FMO-SHK**
OPPOSITION TO MOTION
TO DISMISS COMPLAINT, Fed. R. Civ. P. 12(b)(6)

18 Date: February 22, 2018

19 Time: 10:00 a.m.

20 Courtroom: 6D, 6th Floor

21 Hon. Fernando M. Olguin

22
23
24 Plaintiff, Louis A. Coffelt, Jr. (*Coffelt*), *pro se*, file this response in opposition to
25 Autodesk, Inc. Motion to Dismiss (Dkt. No. 39) (Motion) filed January 24, 2018, pursuant to Fed. R.
26 Civ. P. 12(b)(6) for failure to state a claim.
27
28

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MEMORANDUM OF POINTS AND AUTHORITIES

I. SUMMARY OF THE ARGUMENT

Coffelt's Claims to copyright infringement against Autodesk, Inc. (Autodesk), are concise, cognizable, and plausible. The Claims allege both direct and indirect infringement:

- (i) Sony Image Works derived and distributes infringing source code, Open Shading Language (OSL).
 - (ii) Autodesk made a copy of the infringing source code, OSL.
 - (iii) Autodesk is liable for contributory infringement of Coffelt's works.
 - (iv) Autodesk has vicarious liability directed to copyright infringement of Coffelt's works.

This basis begins by pointing out elements of these Claims, and identifying facts in the Second Amended Complaint (Dkt. No. 35) (SAC), which show that the Claims are plausible.

The Second Amended Complaint inadvertently omits facts directed to “access” to Coffelt’s copyrighted work. If necessary, Coffelt will request to add these missing facts to the Complaint.

Autodesk's Motion to Dismiss misstates facts in the SAC. Autodesk's Motion to Dismiss does not address all basis of claims to copyright infringement. There is no evidence in the record of this case that OSL predates Coffelt's copyrighted works.

Autodesk's evasive Discovery Responses support all claims are plausible.

Autodesk has alleged a source code affirmative defense in this action having a title “Mapped Object Shadow”. However, Autodesk has not produced any description or location of that alleged affirmative defense. Autodesk has not produced any description or location of any source code affirmative defense.

Autodesk admits a connection with Sony Image Works, OSL. This admission is explicit evidence that copyright infringement claims are plausible.

For these foregoing reasons, and those following, Coffelt believes this Court should deny Autodesk’s Motion to Dismiss (Dkt. No. 39) the SAC.

II. LEGAL STANDARD

A claim has "facial plausibility" when the plaintiff pleads "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). This

1 "plausibility" standard is "not akin to a 'probability requirement,' but it asks for more than a sheer
 2 possibility that a defendant has acted unlawfully." *Id.*

3 The Supreme Court has specifically indicated that determining whether a complaint states a
 4 plausible claim for relief under this standard is "a context-specific task that requires the reviewing
 5 court to draw on its judicial experience and common sense." *Id.* at 679. Nevertheless, there are
 6 boundaries to the reviewing court's discretion, though it may not always seem so in reviewing the
 7 post-Iqbal case law. For example, the Second Circuit has decided that it is not the district court's task
 8 in reviewing a motion to dismiss to decide between two plausible inferences that may be drawn from
 9 the factual allegations in the complaint: "A court ruling on such a motion may not properly dismiss a
 10 complaint that states a plausible version of the events merely because the court finds a different
 11 version more plausible." *Anderson News, L.L.C. v. Am. Media, Inc.*, 680 F.3d 162, 185 (2d Cir. 2012),
 12 cert. denied, 133 S. Ct. 846 (2013). Thus, "[t]he question at the pleading stage is not whether there is a
 13 plausible alternative to the plaintiff's theory; the question is whether there are sufficient factual
 14 allegations to make the complaint's claim plausible." *Id.* at 189. The Second Circuit's formulation of
 15 the appropriate question recognizes that because the plausibility standard is lower than a probability
 16 standard, "there may therefore be more than one plausible interpretation of a defendant's words,
 17 gestures, or conduct. Consequently, although an innocuous interpretation of the defendant's conduct
 18 may be plausible, that does not mean that the plaintiff's allegation that that conduct was culpable is not
 19 also plausible." *Id.* at 189-90. Even after *Twombly* and *Iqbal*, "in determining whether a complaint
 20 states a claim that is plausible, the court is required to proceed 'on the assumption that all the [factual]
 21 allegations in the complaint are true[.] [e]ven if their truth seems doubtful.' *Id.* at 185 (court's
 22 emphasis) (quoting *Twombly*, 550 U.S. at 556). Because the plaintiff is entitled to the benefit of the
 23 doubt, "it is not the province of the court to dismiss the complaint on the basis of the court's choice
 24 among plausible alternatives"; rather, "the choice between or among plausible interpretations of the
 25 evidence will be a task for the factfinder," assuming that the plaintiff "can adduce sufficient evidence
 26 to support its factual allegations." *Id.* at 190.

27 When assessing whether the non-literal elements of a computer program constitute protectable
 28 expression, the Ninth Circuit has endorsed an "abstraction-filtration-comparison" test formulated by

1 the Second Circuit and expressly adopted by several other circuits. *Sega Enters. Ltd. v. Accolade, Inc.*,
 2 977 F.2d 1510, 1525 (9th Cir.1992) (“In our view, in light of the essentially utilitarian nature of
 3 computer programs, the Second Circuit’s approach is an appropriate one.”). This test rejects the notion
 4 that anything that performs a function is necessarily uncopyrightable. *See Mitel*, 124 F.3d at 1372
 5 (rejecting the Lotus court’s formulation, and concluding that, “although an element of a work may be
 6 characterized as a method of operation, that element may nevertheless contain expression that is
 7 eligible for copyright protection.”). *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339 (Fed.Cir. 2014)

8

9 **III. ARGUMENT**

10 **A. Elements of First Cause of Action, Direct Infringement**

11 Coffelt’s FIRST CAUSE OF ACTION is based on the allegation that Autodesk copied
 12 Coffelt’s copyrighted works, including: TX0008447381, TXu002049564, or case
 13 No. 1-5121154211. Elements of this claim include:

- 14 (i) Facts which show Open Shading Language (OSL) is a derivative work based on Coffelt’s
 15 copyrighted Gradient Work, Photorealistic Gradient Work, or Gradient Work 2010.
- 16 (ii) Facts which show Sony Image Works distributes the infringing OSL.
- 17 (iii) Facts which show Autodesk made a copy of the infringing OSL.

18 Facts which show the First Cause of Action is plausible:

- 19 (a) Exhibit 121 of the SAC, at 44.
- 20 (b) Exhibit 122 of the SAC, at 61.
- 21 (c) Paragraphs 89 and 90 in the SAC, at 44.

22

23 **B. Elements of Second Cause of Action, Contributory Infringement**

24 Coffelt’s SECOND CAUSE OF ACTION is based on the allegation that Autodesk
 25 is liable for Contributory Infringement of Coffelt’s copyrighted works, including: TX0008447381,
 26 TXu002049564, or case No. 1-5121154211. Elements of this claim include:

- 27 (i) Facts which show Autodesk materially contributes to the distribution of the infringing OSL.
- 28 (ii) Facts which show Autodesk had reason to know distribution of OSL is acts of copyright

1 infringement.

2 Facts which show the Second Cause of Action is plausible:

3 (a) Paragraphs 81 through 87 in the SAC, at 18.

4 (b) Paragraphs 95, 96 in the SAC, at 20.

5

6 **C. Elements of Third Cause of Action, Vicarious Liability**

7 Coffelt's THIRD CAUSE OF ACTION is based on the allegation that Autodesk
8 has Vicarious Liability directed to the copyright infringement of Coffelt's copyrighted works,
9 including, TX0008447381, TXu002049564, or case No. 1-5121154211. Elements of this claim
10 include:

- 11 (i) Facts which show Autodesk has the right and ability to supervise the acts of exploitation of
12 Coffelt's Gradient Work, Photorealistic Gradient Work, or Gradient Work 2010.
13 (ii) Facts which show Autodesk receives direct financial interest in the exploitation of Coffelt's
14 copyrighted Gradient Work, Photorealistic Gradient Work, or Gradient Work 2010.

15 Facts which show the Third Cause of Action is plausible:

16 (a) Paragraph 99 in the SAC, at 21.

17 (b) Paragraphs 100, 101 in the SAC, at 21.

18

19 **D. Elements of Fourth Cause of Action, Vicarious Liability**

20 Coffelt's FOURTH CAUSE OF ACTION is based on the allegation that Autodesk
21 has Vicarious Liability directed to the copyright infringement of Coffelt's copyrighted works,
22 including, TXu002035517, or TX0008356641. Elements of this claim include:

- 23 (i) Facts which show Autodesk has the right and ability to supervise the acts of exploitation of
24 Coffelt's Vector Work, or Steradian Work.
25 (ii) Facts which show Autodesk receives direct financial interest in the exploitation of Coffelt's
26 Vector Work, or Steradian Work.

27 Facts which show the Fourth Cause of Action is plausible:

28 (a) Paragraph 99 in the SAC, at 21.

1 **(b)** Paragraphs 100, 101 in the SAC, at 21.

2

3 **E. Elements of Fifth Cause of Action, Direct Infringement**

4 Coffelt's FIFTH CAUSE OF ACTION is based on the allegation that Sony Image
5 Works distributes Coffelt's copyrighted works, including: TX0008447381, TXu002049564, or case
6 No. 1-5121154211. Elements of this claim include:

- 7 **(i)** Facts which show Open Shading Language (OSL) is a derivative work based on Coffelt's
8 copyrighted Gradient Work, Photorealistic Gradient Work, or Gradient Work 2010.
9 **(ii)** Facts which show Sony Image Works distributes the infringing OSL.

10 Facts which show the Fifth Cause of Action is plausible:

- 11 **(a)** Exhibit 121 of the SAC, at 44.
12 **(b)** Exhibit 122 of the SAC, at 61.

13

14 **F. Elements of Sixth Cause of Action, Vicarious Liability**

15 Coffelt's SIXTH CAUSE OF ACTION is based on the allegation that Autodesk
16 has Vicarious Liability directed to the copyright infringement of Coffelt's copyrighted works,
17 including, TX0008400276. Elements of this claim include:

- 18 **(i)** Facts which show Autodesk has the right and ability to supervise the acts of exploitation of
19 Coffelt's copyrighted CAD Work.
20 **(ii)** Facts which show Autodesk receives direct financial interest in the exploitation of Coffelt's
21 copyrighted CAD Work.

22 Facts which show the Sixth Cause of Action is plausible:

- 23 **(a)** Paragraph 99 in the SAC, at 21.
25 **(b)** Paragraphs 100, 101 in the SAC, at 21.
26 **(c)** Exhibit 100 of the SAC, at 1: Title of Larger Work: emoshaGraphics CAD
27 **(d)** Exhibit 103 of the SAC, at 1: Title of Larger Work: emoshaGraphics CAD
28 **(e)** Exhibit 104 of the SAC, at 1: Title of Larger Work: emoshaGraphics CAD

1 **G. Elements of Seventh Cause of Action, Contributory Infringement**

2 Coffelt's SEVENTH CAUSE OF ACTION is based on the allegation that Autodesk
3 is liable for Contributory Infringement of Coffelt's copyrighted works, including: TX0008400276.
4 Elements of this claim include:

- 5 (i) Facts which show Autodesk materially contributes to the unauthorized distribution of Coffelt's
6 copyrighted CAD Work.
7 (ii) Facts which show Autodesk had reason to know distribution of Coffelt's copyrighted CAD
8 Work is acts of copyright infringement.

9 Facts which show the Seventh Cause of Action is plausible:

- 10 (a) Paragraphs 81 through 87 in the SAC, at 18.
11 (b) Paragraphs 95, 96 in the SAC, at 20.
12 (c) Exhibit 100 of the SAC, at 1: Title of Larger Work: emoshaGraphics CAD
13 (d) Exhibit 103 of the SAC, at 1: Title of Larger Work: emoshaGraphics CAD
14 (e) Exhibit 104 of the SAC, at 1: Title of Larger Work: emoshaGraphics CAD

15

16 **H. Second Amended Complaint inadvertently omits facts directed to "access" to**
17 **Coffelt's Copyrighted Works**

18 The SAC inadvertently omits facts directed to Autodesk's access to Coffelt's
19 copyrighted works. Therefore, Coffelt states these facts in the attached Coffelt's Declaration,
20 at 2, items 7, 8. These are supplemental facts which show Autodesk's access to Coffelt's
21 copyrighted works is plausible.

22

23 **I. Autodesk's Misstated Paraphrase of Second Amended Complaint**

24 Autodesk's Motion is replete with misstated paraphrase citations of the SAC. Autodesk's
25 inclusion of the terms "use" and "copy" appear to be an intentional attempt to mislead
26 this Court to an incorrect interpretation of the SAC. Counsel for Autodesk clearly have direct
27 knowledge that the basis for claims is "distribution" of a "derivative work" of Coffelt's
28 copyrighted works.

1 These misstated paraphrase of the SAC represent Autodesk's nearly entire basis for the
2 Motion to Dismiss :

3 (Dkt. No. 39) at 1, line 21, 23;

4 *id.* at 2, line 1, 3, 7;

5 *id.* at 5, line 4, 6, 11, 19;

6 *id.* at 7, line 2;

7 *id.* at 14, line 4, 19, 23;

8 *id.* at 15, line 1, 4, 18, 20, 21.

9 One of Autodesk's most significant misstated impertinent paraphrase of the SAC is:

10 (" And regardless, the OSL source code excerpt **at issue** obviously did not "**copy**" an
11 expression from Mr. Coffelt's copyrighted work: ")

12 *emphasis added* *id.* at 15, line 21.

13 Exhibit 121 of the SAC explicitly alleges the issue is "**derivative work**".

14

15 **J. Autodesk's Motion to Dismiss does not Address All Basis of the Claims to
16 Copyright Infringement**

17 Autodesk has not addressed the issues of alleged copyright infringement of Coffelt's
18 Gradient Work (TXu002049564), Vector Work (TXu002035517), Steradian Work (TX0008356641),
19 or CAD Work (TX0008400276). Autodesk's makes only conclusory allegations to these Works.

20 Coffelt's facts directed to OSL are also applicable to Coffelt's Sixth and Seventh cause
21 of action. Coffelt's U.S. certificates of registration show Coffelt's Gradient Work and Photorealistic
22 Gradient Work appear in Coffelt's CAD Work. The Gradient Work, and Photorealistic Gradient
23 Work, are a significant portion of the CAD Work. Therefore, Coffelt's Sixth and Seventh cause
24 of action are inherently based of the facts directed to OSL.

25 There is no evidence in the record of this case which show a version of OSL source code
26 which was allegedly published in the year 2010. Autodesk's makes only conclusory contentions
27 that OSL predates Coffelt's copyrighted works.

28 Autodesk incorrectly alleges there is no claim to direct copyright infringement. The

1 SAC alleges OSL is a derivative work, and Sony Image Works distributes the unauthorized derivative
2 work. Sony Image Works direct copyright infringement may be established without Sony Image
3 Works being a party to this action. Coffelt has the right to enter any evidence pertaining
4 to the claims of this action, including any subpoena to Sony Image Works (Fed. R. Civ. P. 26(b)(1)).
5

6 **K. Autodesk's Evasive Discovery Responses Support All Claims are Plausible**

7 Autodesk's evasive response to Request for Admission support all claims to copyright
8 infringement are plausible. *See* attached Exhibit C.

9 Autodesk's responses to Request for Information No. 22, 25, 28, 31, 34, 37, 40,
10 43, 46, 49, 52, 72 are evasive. *See* (Dkt. No. 38-1). These Request for Information request
11 Only a location of specific pivotal source code. For these reasons, Coffelt believes
12 these evasive responses support that all claims to copyright infringement are plausible.
13

14 **L. Autodesk Admits Connection with OSL**

15 Autodesk's Response to Coffelt's Discovery Request is attached as Exhibit C,
16 and Coffelt's attached Declaration in support.

17 Autodesk admits a connection with OSL. *See* attached Exhibit B, Response to
18 Request items 1, 2, 5, 6. This admission supports that claims are plausible.
19

20 **M. Autodesk's Failure to Produce any Description of "Mapped Object Shadow"**

21 **Support Claims are Plausible**

22 On August 9, 2017, Autodesk alleged an affirmative defense to this Complaint. The
23 title of this alleged defense is "Mapped Object Shadow". *See* attached Exhibit E. Autodesk has not
24 produced any description or location of this alleged defense. *See* attached Coffelt's Declaration,
25 items 9, 10.

26 For these foregoing reasons, Autodesk's failure to identify any description or location
27 of the "Mapped Object Shadow" source code, supports claims to copyright infringement of
28 Coffelt's Steradian Work work is plausible.

1 **IV. CONCLUSION**

2 OSL is a derivative work, based on Coffelt's copyrighted work, is plausible.

3 The SAC contains substantial facts, which show the OSL derivative work is plausible.

4 Exhibits attached to the SAC show specific evidence, the basis for OSL is identical to
5 Coffelt's basis for the copyrighted work, is plausible.

6 Exhibits attached to the SAC show specific evidence that OSL results are identical to
7 Coffelt's copyrighted work results is plausible.

8 Exhibits attached to the SAC show OSL is Not a staple article or commodity of
9 commerce suitable for substantial noninfringing use is plausible.

10 Exhibits attached to the SAC show specific evidence that Sony Image Works distribute
11 the alleged infringing OSL source code is plausible.

12 Autodesk's Admission, attached to this Opposition, show specific evidence that Autodesk's
13 Computer Aided Design products have an intrinsic connection with the alleged infringing OSL
14 source code is plausible.

15 Autodesk has not attempted to show that the foregoing facts in the SAC are only
16 conclusions.

17 Exhibits and Declarations attached to this Opposition, show specific evidence that OSL
18 source code was amended on July 25, 2011 is plausible.

19 Coffelt's U.S. Certificates of Registration for copyright are *prima facie* evidence of validity.
20 Autodesk has the burden of proof to show invalidity of Coffelt's copyrights. Autodesk contends
21 only conclusory allegations directed to validity of Coffelt's copyrights.

22 Autodesk allege only conclusory contentions that OSL predates Coffelt's copyrighted
23 works.

24 Coffelt's Declaration attached to this Opposition, shows that Autodesk has not produced any
25 description or location of the "Mapped Object Shadow" affirmative defense in this action.

26 Autodesk's documents in the record of this case show Autodesk has attempted to rely
27 substantially on only boilerplate objections in order to avoid production of discovery information.
28 (Dkt. No. 38) filed January 17, 2018.

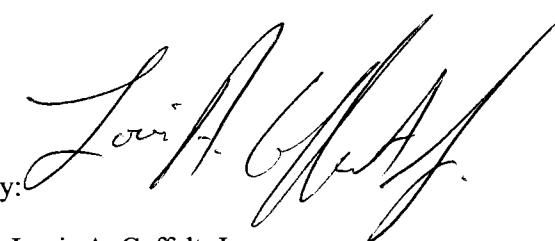
1 For these foregoing reasons, all Coffelt's claims to copyright infringement in the Second
2 Amended Complaint are plausible.

3 For these foregoing reasons, Coffelt believes this Court should deny Autodesk's Motion to
4 Dismiss the Complaint (Dkt. No. 39) filed January 24, 2018.

5 Autodesk alleges only conclusory allegations that this Court should not grant leave to
6 amend the complaint. Autodesk has not established any basis to deny leave to amend the Complaint.

7
8
9
10
11
12 Date: January 31, 2018

13 By:



14 Louis A. Coffelt, Jr.

15 Plaintiff

16 *Pro Se*

EXHIBIT A

getmatrix optimization fix – embarrassing typo from previous patch · imageworks/OpenShadingLanguage@23253ec

Your account has been flagged.

Because of that, your profile is hidden from the public. If you believe this is a mistake, contact support to have your account status reviewed.



getmatrix optimization fix -- embarrassing typo from previous patch

by RB-0.5

Igritz committed on Jul 25, 2011

Showing 1 changed file with 1 addition and 1 deletion.

2 src/liboslexec/runtimeoptimize.cpp

```

1569     1569         else
1570     1570             ok &= rs->get_matrix (Mfrom, from);
1571     1571             if (to == Strings::common || to == commonsyn)
1572     1572             - Mfrom.makeIdentity ();
1572     1572             + Mto.makeIdentity ();
1573     1573         else
1574     1574             ok &= rs->get_inverse_matrix (Mto, to);
1575     1575             if (ok) {

```

0 comments on commit 23253ec

14

EXHIBIT B

1 RICHARD S.J. HUNG (CA SBN 197425)
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

17 LOUIS A. COFFELT, JR..

18 Plaintiff,

19 v.

21 AUTODESK, INC., a Delaware
Corporation,

Defendant.

Case No.: 5:17-cv-01684-FMO-SHK

**DEFENDANT AUTODESK, INC.'S
RESPONSES AND OBJECTIONS
TO PLAINTIFF'S REQUEST FOR
ADMISSION NO. 4**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and the Local Rules for the Central District of California, Defendant Autodesk, Inc. (“Autodesk”) provides the following responses and objections to Plaintiff’s Request for Admission No. 4 (“Requests”), dated December 13, 2017, based on information reasonably available to Autodesk as of this date.

PRELIMINARY STATEMENT

Autodesk has not completed its investigation of the facts relating to this case and may amend or revise its responses after additional investigation, research, and analysis. Autodesk bases its responses on currently available information and without prejudice to its right to provide or introduce subsequently discovered information.

GENERAL OBJECTIONS

- 13 1. Autodesk objects that the Requests are not sequentially renumbered without
14 repeating numbers from previously served sets as required by Local Rule 36-1.

15 2. Autodesk objects to the extent a Request seeks an admission that is not
16 relevant to Plaintiff's claims of copyright infringement.

17 3. Autodesk objects that the use of "e.g." in the Requests renders the Request
18 vague and ambiguous.

19 4. Autodesk objects to the definition of "Autodesk" as overly broad because it
20 includes "all world wide [sic] subsidiaries, e.g. [sic] including Autodesk England,
21 France, Germany, Italy." Autodesk interprets "Autodesk" to be limited to
22 Autodesk, Inc.

23 5. Autodesk objects to the definitions of "internet," "light source," and
24 "photorealistic" to the extent they are inconsistent with how those terms are
25 understood in the art. Autodesk interprets these terms according to their ordinary
26 and accepted understandings to those in the field.

27 6. Autodesk objects to the definition of "Maya" as vague, ambiguous, and
28 compound.

1 || 7. Autodesk objects to the definition of “pixel” as vague and ambiguous.

2 Autodesk understands “pixel” as the smallest element of an image that can be
3 individually processed in a video display system.

4 8. Autodesk objects to the definition of “shadow” as inconsistent with how the
5 term is understood in the field. Autodesk interprets “shadow” according to its
6 ordinary and accepted understanding to those in the field.

7 9. Autodesk objects to the definition of “User” as vague, ambiguous, and
8 inconsistent with the plain meaning of that term. Among other things, Mr. Coffelt’s
9 definition does not require use and relates to having a license or subscription for
10 two programs.

11 10. Autodesk objects to the definition of “user’s drawing” as vague and
12 ambiguous. Autodesk understands “user’s drawing” to refer a .dwg file created by
13 a user using Maya 2017.

14 11. Autodesk objects to the definition of “view vector” as vague and ambiguous.
15 Among other things, Plaintiff’s definition of “view vector” by example (e.g., by
16 reference to Figure 7 of U.S. Patent No. 8,614,710) is incomprehensible. Plaintiff’s
17 reference to “a view vector is used to derive a pixel column . . . and derive a pixel
18 row” is equally incomprehensible.

RESPONSES AND OBJECTIONS

20 | REQUEST FOR ADMISSION NO. 1

Autodesk created the Autodesk URL.

22 | RESPONSE TO REQUEST FOR ADMISSION NO. 1

Autodesk objects to the extent that the Request is directed to information that is not relevant to Plaintiff's claims of copyright infringement.

25 Subject to its general and specific objections, and based on its current
26 investigation, Autodesk ADMITS that it created content at the URL at
27 <https://help.autodesk.com/view/BEAST/2015/ENU/>

1 ?guid=_files_GUID_B812FA2F_A188_4D9A_A5A8_ACD7A771AA89.htm,
2 but otherwise DENIES the Request.

3 **REQUEST FOR ADMISSION NO. 2**

4 Autodesk created the Autodesk Web Page.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

6 Autodesk objects to the Request as duplicative of RFA No. 1. Autodesk
7 objects to the extent that the Request is directed to information that is not relevant
8 to Plaintiff's claims of copyright infringement.

9 Subject to its general and specific objections, and based on its current
10 investigation, Autodesk ADMITS that it created content at the URL at
11 https://help.autodesk.com/view/BEAST/2015/ENU/
12 ?guid=_files_GUID_B812FA2F_A188_4D9A_A5A8_ACD7A771AA89.htm,
13 but otherwise DENIES the Request.

14 **REQUEST FOR ADMISSION NO. 3**

15 Autodesk has an exclusive right to supervise acts which create the Autodesk
16 Web Page.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

18 Autodesk objects to the phrase "exclusive right to supervise acts" as vague
19 and ambiguous. Autodesk objects to the extent that the Request is directed to
20 information that is not relevant to Plaintiff's claims of copyright infringement.

21 Subject to its general and specific objections, and based on its current
22 investigation, Autodesk does not understand the Request and on that basis DENIES
23 it.

24 **REQUEST FOR ADMISSION NO. 4**

25 Autodesk has an exclusive right to create and amend contents of the
26 Autodesk Web Page.

27

28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 4**

2 Autodesk objects to the phrase “exclusive right to create and amend
3 contents” as vague and ambiguous. Autodesk objects to the extent that the Request
4 is directed to information that is not relevant to Plaintiff’s claims of copyright
5 infringement.

6 Subject to its general and specific objections, and based on its current
7 investigation, Autodesk does not understand the Request and on that basis DENIES
8 it.

9 **REQUEST FOR ADMISSION NO. 5**

10 Autodesk has an ability to create and amend contents of the Autodesk Web
11 Page.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

13 Autodesk objects to the extent that the Request is directed to information that
14 is not relevant to Plaintiff’s claims of copyright infringement.

15 Subject to its general and specific objections, and based on its current
16 investigation, Autodesk ADMITS that it can create and modify contents on certain
17 webpages on the www.autodesk.com domain, including the page at
18 https://help.autodesk.com/view/BEAST/2015/ENU/?guid=__files_GUID_B812FA2F_A188_4D9A_A5A8_ACD7A771AA89.htm .

19 **REQUEST FOR ADMISSION NO. 6**

20 The Autodesk Web Page contains the Code URL.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

22 Autodesk objects to the term “contains” as vague and ambiguous. Autodesk
23 also extent that the Request is directed to information that is not relevant to
24 Plaintiff’s claims of copyright infringement.

25 Subject to its general and specific objections, and based on its current
26 investigation, Autodesk ADMITS that the current webpage at
27 https://help.autodesk.com/view/BEAST/2015/ENU/?guid=__files_GUID_B812FA2F_A188_4D9A_A5A8_ACD7A771AA89.htm

1 2F_A188_4D9A_A5A8_ACD7A771AA89_htm refers to
2 <https://github.com/imageworks/OpenShadingLanguage>, but otherwise DENIES the
3 request.

4 **REQUEST FOR ADMISSION NO. 7**

5 Autodesk has adapted Maya or Beast to contain a copy of OSL.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

7 Autodesk objects that the Request is compound and directed to multiple
8 matters and therefore improper. Autodesk objects to the term “contain” and
9 “adapted” as vague and ambiguous. Autodesk objects to the extent that the Request
10 is directed to information that is not relevant to Plaintiff’s claims of copyright
11 infringement.

12 Subject to its general and specific objections, and based on its current
13 investigation, Autodesk DENIES this Request.

14 **REQUEST FOR ADMISSION NO. 8**

15 Autodesk has adapted Maya or Beast with an API; and the API is capable to
16 execute a distribution of OSL.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

18 Autodesk objects that the Request is compound and directed to multiple
19 matters and therefore improper. Autodesk objects to the terms “adapted,” “capable
20 to execute,” and “distribution of OSL” as vague and ambiguous. Autodesk objects
21 to the extent that the Request is directed to information that is not relevant to
22 Plaintiff’s claims of copyright infringement.

23 Subject to its general and specific objections, and based on its current
24 investigation, Autodesk DENIES the Request.

25 **REQUEST FOR ADMISSION NO. 9**

26 Autodesk has adapted Maya or Beast with an API; and the API is capable to
27 communicate with OSL source code.

28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

2 Autodesk objects that the Request is compound and directed to multiple
3 matters and therefore improper. Autodesk objects to the terms “adapted” and
4 “capable to communicate” as vague and ambiguous. Autodesk objects to the extent
5 that the Request is directed to information that is not relevant to Plaintiff’s claims
6 of copyright infringement.

7 Subject to its general and specific objections, and based on its current
8 investigation, Autodesk DENIES the Request.

9 **REQUEST FOR ADMISSION NO. 10**

10 Autodesk has adapted Maya or Beast with an API; and the API is capable to
11 communicate with the Code URL.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

13 Autodesk objects that the Request is compound and directed to multiple
14 matters and therefore improper. Autodesk objects to the terms “adapted,” “capable
15 to communicate,” and “Code URL” as vague and ambiguous. Autodesk objects to
16 the extent that the Request is directed to information that is not relevant to
17 Plaintiff’s claims of copyright infringement.

18 Subject to its general and specific objections, and based on its current
19 investigation, Autodesk DENIES the Request.

20 **REQUEST FOR ADMISSION NO. 11**

21 A specific person has caused his computer to access a copy of OSL with
22 Maya or Beast. e.g. Maya is adapted to contain a copy of OSL; and the specific
23 person executed an OSL shading function in Maya for his user’s drawing.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

25 Autodesk objects that the Request is compound and directed to multiple
26 matters and therefore improper. Autodesk objects that “a specific person” is vague
27 and ambiguous. Autodesk further objects that the use of “e.g.” renders the Request
28 vague and ambiguous. Autodesk also objects to the terms “caused his computer to

1 access” and “contain a copy of OSL” as vague and ambiguous. Autodesk objects to
2 the extent the Request seeks information not in Autodesk’s possession and control.
3 Autodesk objects to the extent that the Request is directed to the functionality of
4 software and is not relevant to Plaintiff’s claims of copyright infringement.

5 Subject to its general and specific objections, and based on its current
6 investigation, Autodesk lacks sufficient information to admit or deny the Request
7 and on that basis DENIES it.

8 **REQUEST FOR ADMISSION NO. 12**

9 A specific person has caused his computer to execute a distribution of OSL
10 with Maya or Beast. e.g. Maya is adapted to download a copy of OSL to his
11 computer; and the specific person executed an OSL shading function in Maya for
12 his user’s drawing; and the download of OSL occurred; and the download of OSL
13 is a distribution of OSL.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

15 Autodesk objects that the Request is compound and directed to multiple
16 matters and therefore improper. Autodesk objects that “a specific person” is vague
17 and ambiguous. Autodesk further objects that the use of “e.g.” renders the Request
18 vague and ambiguous. Autodesk also objects to the terms “caused his computer to
19 execute” and “distribution of OSL” as vague and ambiguous. Autodesk objects to
20 the extent the Request seeks information not in Autodesk’s possession and control.
21 Autodesk objects to the extent that the Request is directed to the functionality of
22 software and is not relevant to Plaintiff’s claims of copyright infringement.

23 Subject to its general and specific objections, and based on its current
24 investigation, Autodesk lacks sufficient information to admit or deny the Request
25 and on that basis DENIES it.

26
27
28

1 **REQUEST FOR ADMISSION NO. 13**

2 Autodesk has an exclusive right to supervise the acts of creating and
3 amending Maya and Beast. e.g. the right to supervise the act of adapting Maya with
4 an API in order to communicate with OSL.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 13**

6 Autodesk objects that the Request is compound and directed to multiple
7 matters and therefore improper. Autodesk further objects that the use of “e.g.”
8 renders the Request vague and ambiguous. Autodesk also objects to the terms
9 “exclusive right to supervise the acts of creating and amending” and “the right to
10 supervise the act of adapting” as vague and ambiguous.

11 Subject to its general and specific objections, and based on its current
12 investigation, Autodesk DENIES the Request.

13 **REQUEST FOR ADMISSION NO. 14**

14 Autodesk has an ability to supervise the acts of creating and amending Maya
15 and Beast. e.g. ability to supervise the act of adapting Maya with an API in order to
16 communicate with OSL.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 14**

18 Autodesk objects that the Request is compound and directed to multiple
19 matters and therefore improper. Autodesk further objects that the use of “e.g.”
20 renders the Request vague and ambiguous. Autodesk also objects to the terms
21 “ability to supervise the acts of creating and amending” and “ability to supervise the
22 act of adapting” as vague and ambiguous.

23 Subject to its general and specific objections, and based on its current
24 investigation, Autodesk DENIES the Request.

25 **REQUEST FOR ADMISSION NO. 15**

26 Autodesk has an exclusive right to remove access to third party software
27 from Maya and Beast at any time. e.g. Autodesk has the right to remove any API

1 from Maya, pursuant to Autodesk's Software License Agreements. (i.e. right to
2 block access to OSL in Maya).

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 15**

4 Autodesk objects that the Request is compound and directed to multiple
5 matters and therefore improper. Autodesk further objects that the use of "e.g."
6 renders the Request vague and ambiguous. Autodesk also objects to the terms "an
7 exclusive right to remove access to third party software" and "Software License
8 Agreements" as vague and ambiguous.

9 Subject to its general and specific objections, and based on its current
10 investigation, Autodesk DENIES the Request.

11 **REQUEST FOR ADMISSION NO. 16**

12 Autodesk has an ability to remove access to third party software from Maya
13 and Beast at any time. e.g. Autodesk has the ability to remove any API from Maya.
14 (i.e. ability to block access to OSL in Maya).

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 16**

16 Autodesk objects that the Request is compound and directed to multiple
17 matters and therefore improper. Autodesk further objects that the use of "e.g."
18 renders the Request vague and ambiguous. Autodesk also objects to the term "an
19 ability to remove access to third party software" as vague and ambiguous.

20 Subject to its general and specific objections, and based on its current
21 investigation, Autodesk DENIES the Request.

22 **REQUEST FOR ADMISSION NO. 17**

23 Autodesk has a right and ability to remove OSL from Maya or Beast.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 17**

25 Autodesk objects that the Request is compound and directed to multiple
26 matters and therefore improper. Autodesk also objects to the term "right and ability
27 to remove OSL" as vague and ambiguous. Autodesk also objects to the Request as
28 assuming facts.

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk DENIES the Request.

3 **REQUEST FOR ADMISSION NO. 18**

4 Autodesk has a right and ability to cause Maya or Beast to block access to
5 OSL.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 18**

7 Autodesk objects that the Request is compound and directed to multiple
8 matters and therefore improper. Autodesk also objects to the term “right and ability
9 to cause . . . to block access to OSL” as vague and ambiguous.

10 Subject to its general and specific objections, and based on its current
11 investigation, Autodesk DENIES the Request.

12 **REQUEST FOR ADMISSION NO. 19**

13 Autodesk has a right and ability to cause Maya or Beast to not execute any
14 OSL.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 19**

16 Autodesk objects that the Request is compound and directed to multiple
17 matters and therefore improper. Autodesk also objects to the term “right and ability
18 to cause . . . to not execute” as vague and ambiguous.

19 Subject to its general and specific objections, and based on its current
20 investigation, Autodesk DENIES it.

21 **REQUEST FOR ADMISSION NO. 20**

22 Autodesk executed a test of Maya and OSL in order to evaluate results of
23 OSL.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 20**

25 Autodesk also objects to the terms “executed a test” and “evaluate results” as
26 vague and ambiguous. Autodesk objects to the extent that the Request is directed
27 to information that is not relevant to Plaintiff’s claims of copyright infringement.

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk does not understand the Request and on that basis DENIES
3 it.

4 **REQUEST FOR ADMISSION NO. 21**

5 Autodesk executed a test of Beast and OSL in order to evaluate results of
6 OSL.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 21**

8 Autodesk also objects to the terms “executed a test” and “evaluate results” as
9 vague and ambiguous. Autodesk objects to the extent that the Request is directed
10 to information that is not relevant to Plaintiff’s claims of copyright infringement.

11 Subject to its general and specific objections, and based on its current
12 investigation, Autodesk does not understand the Request and on that basis DENIES
13 it.

14 **REQUEST FOR ADMISSION NO. 22**

15 Autodesk made a copy of OSL in order to evaluate results of OSL.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 22**

17 Autodesk also objects to the terms “made a copy” and “evaluate results” as
18 vague and ambiguous. Autodesk objects to the extent that the Request is directed
19 to information that is not relevant to Plaintiff’s claims of copyright infringement.

20 Subject to its general and specific objections, and based on its current
21 investigation, Autodesk does not understand the Request and on that basis DENIES
22 it.

23 **REQUEST FOR ADMISSION NO. 23**

24 Autodesk materially contributes to making copies of OSL.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 23**

26 Autodesk objects to the term “materially contributes to making copies” as
27 vague and ambiguous. Autodesk objects to the extent that the Request is directed
28 to information that is not relevant to Plaintiff’s claims of copyright infringement.

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk DENIES the Request.

3 **REQUEST FOR ADMISSION NO. 24**

4 Autodesk materially contributes to distribution of OSL.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 24**

6 Autodesk objects to the term “materially contributes to making copies” as
7 vague and ambiguous. Autodesk objects to the extent that the Request is directed
8 to information that is not relevant to Plaintiff’s claims of copyright infringement.

9 Subject to its general and specific objections, and based on its current
10 investigation, Autodesk DENIES the Request.

11 **REQUEST FOR ADMISSION NO. 25**

12 EXHIBIT 121 in the Complaint (Doc 31) pages 109 through 112, inclusive,
13 each contain a true and correct file name of the corresponding OSL source code
14 shown in EXHIBIT 121.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 25**

16 Autodesk objects that the Request is compound and directed to multiple
17 matters and therefore improper. Autodesk objects to the Request as vague and
18 ambiguous. Autodesk objects to the extent the Request seeks information not in
19 Autodesk’s possession and control or that is as available to Plaintiff as Autodesk.
20 Autodesk objects to the extent that the Request is directed to information that is not
21 relevant to Plaintiff’s claims of copyright infringement.

22 Subject to its general and specific objections, and based on its current
23 investigation, Autodesk lacks sufficient information to admit or deny the Request
24 and on that basis DENIES it.

25 **REQUEST FOR ADMISSION NO. 26**

26 EXHIBIT 121 in the Complaint (Doc 31) pages 109 through 112 contain
27 methods directed to a light source, a view vector, a reflection vector, and a color
28

1 intensity based on the reflection vector. e.g. EXHIBIT 121 at page 109 contains the
2 comment: “//reflect the view vector”.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 26**

4 Autodesk objects that the Request is compound and directed to multiple
5 matters and therefore improper. Autodesk objects to the Request as vague and
6 ambiguous. Autodesk further objects that the use of “e.g.” renders the Request
7 vague and ambiguous. Autodesk objects to the terms “light source,” “view vector,”
8 “reflection vector,” and “color intensity” as vague and ambiguous. Autodesk
9 objects to the extent the Request seeks information not in Autodesk’s possession
10 and control or that is as available to Plaintiff as Autodesk. Autodesk objects to the
11 extent that the Request is directed to information that is not relevant to Plaintiff’s
12 claims of copyright infringement.

13 Subject to its general and specific objections, and based on its current
14 investigation, Autodesk ADMITS that page 109 of ECF 31 includes the language
15 “//reflect the view vector.” Autodesk lacks sufficient information to admit or deny
16 the remainder of the Request and on that basis DENIES it.

17 **REQUEST FOR ADMISSION NO. 27**

18 A sole purpose of OSL is to create color shading. e.g. a specific set of various
19 colors having the appearance of photorealistic image.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 27**

21 Autodesk objects to the Request as vague and ambiguous. Autodesk further
22 objects that the use of “e.g.” renders the Request vague and ambiguous. Autodesk
23 objects to the term “color shading” as vague and ambiguous. Autodesk objects to
24 the extent the Request seeks information not in Autodesk’s possession and control
25 or that is as available to Plaintiff as Autodesk. Autodesk objects to the extent that
26 the Request is directed to information that is not relevant to Plaintiff’s claims of
27 copyright infringement.

28

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk DENIES the Request.

3 **REQUEST FOR ADMISSION NO. 28**

4 In April, 2017, Autodesk received the notice of the alleged copyright
5 infringement issues in this Complaint from Coffelt. *See Attached EXHIBIT A.*

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 28**

7 Autodesk objects to the extent that the Request is directed to information that
8 is not relevant to Plaintiff's claims of copyright infringement. Autodesk objects to
9 the extent the Request seeks information that is protected by the attorney-client
10 privilege, the work-product doctrine, the common interest privilege, or any other
11 applicable privilege or immunity.

12 Subject to its general and specific objections, and based on its current
13 investigation, Autodesk ADMITS that it received the document attached as Exhibit
14 A, but otherwise DENIES the Request.

15 **REQUEST FOR ADMISSION NO. 29**

16 In June, 2017, Autodesk received the cease and desist letter directed to the
17 alleged copyright infringement issues in this Complaint from Coffelt. *See Attached*
18 *EXHIBIT B.*

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 29**

20 Autodesk objects to the extent that the Request is directed to information that
21 is not relevant to Plaintiff's claims of copyright infringement. Autodesk objects to
22 the extent the Request seeks information that is protected by the attorney-client
23 privilege, the work-product doctrine, the common interest privilege, or any other
24 applicable privilege or immunity.

25 Subject to its general and specific objections, and based on its current
26 investigation, Autodesk ADMITS that it received the documents attached as
27 Exhibit B, but otherwise DENIES the Request.

28

1 **REQUEST FOR ADMISSION NO. 30**

2 In July, 2017, Autodesk received Coffelt's request to meet with Carl Bass
3 directed to the alleged copyright infringement issues in this Complaint. *See*
4 Attached EXHIBIT C.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 30**

6 Autodesk objects to the extent that the Request is directed to information that
7 is not relevant to Plaintiff's claims of copyright infringement. Autodesk objects to
8 the extent the Request seeks information that is protected by the attorney-client
9 privilege, the work-product doctrine, the common interest privilege, or any other
10 applicable privilege or immunity.

11 Subject to its general and specific objections, and based on its current
12 investigation, Autodesk ADMITS that it received the document attached as Exhibit
13 C, but otherwise DENIES the Request.

14 **REQUEST FOR ADMISSION NO. 31**

15 OSL was amended between the first release through the year 2013. e.g. OSL
16 allegedly started in the year 2010; and there were continuous improvements or
17 amendments made to OSL. e.g. it is common for software to be continuously
18 developed and modified over the period of several years. e.g. On July 25, 2011,
19 Larry Gritz amended OSL source code. *See* Attached EXHIBIT D.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 31**

21 Autodesk objects that the Request is compound and directed to multiple
22 matters and therefore improper. Autodesk objects to the Request as vague and
23 ambiguous. Autodesk further objects that the use of "e.g." renders the Request
24 vague and ambiguous. Autodesk objects to the extent the Request seeks
25 information not in Autodesk's possession and control or that is as available to
26 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
27 information that is not relevant to Plaintiff's claims of copyright infringement.

28

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk lacks sufficient information to admit or deny the Request
3 and on that basis DENIES it.

4 **REQUEST FOR ADMISSION NO. 32**

5 OSL is currently being amended. e.g. OSL source code was amended on
6 December 1, 2017. *See Attached EXHIBIT E.*

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 32**

8 Autodesk objects that the Request is compound and directed to multiple
9 matters and therefore improper. Autodesk objects to the Request as vague and
10 ambiguous. Autodesk further objects that the use of "e.g." renders the Request
11 vague and ambiguous. Autodesk objects to the extent the Request seeks
12 information not in Autodesk's possession and control or that is as available to
13 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
14 information that is not relevant to Plaintiff's claims of copyright infringement.

15 Subject to its general and specific objections, and based on its current
16 investigation, Autodesk lacks sufficient information to admit or deny the Request
17 and on that basis DENIES it.

18

19 **RESPONSES AND OBJECTIONS TO REQUESTS**
20 **FOR AUTHENTICATION**

21 **REQUEST FOR ADMISSION NO. 1**

22 EXHIBIT 121 in the Complaint (Doc 31) pages 109 through 112, inclusive,
23 is a true and correct copy of portions of OSL source code on Tuesday, August 1,
24 2017, at 6:16:42 PM. e.g. Coffelt downloaded a copy of OSL on August 1, 2017, at
25 6:16:42 PM.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

27 Autodesk objects that the Request is compound and directed to multiple
28 matters and therefore improper. Autodesk objects to the Request as vague and

1 ambiguous. Autodesk further objects that the use of “e.g.” renders the Request
2 vague and ambiguous. Autodesk objects to the extent the Request seeks
3 information not in Autodesk’s possession and control or that is as available to
4 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
5 information that is not relevant to Plaintiff’s claims of copyright infringement.

6 Subject to its general and specific objections, and based on its current
7 investigation, Autodesk lacks sufficient information to admit or deny the Request
8 and on that basis DENIES it.

9 **REQUEST FOR ADMISSION NO. 2**

10 EXHIBIT 121 in the Complaint (Doc 31) pages 109 through 112, inclusive,
11 is a true and correct copy of portions of OSL source code on the date Autodesk
12 response to the Request for Admission.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

14 Autodesk objects that the Request is compound and directed to multiple
15 matters and therefore improper. Autodesk objects to the Request as vague and
16 ambiguous. Autodesk further objects that the use of “e.g.” renders the Request
17 vague and ambiguous. Autodesk objects to the extent the Request seeks
18 information not in Autodesk’s possession and control or that is as available to
19 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
20 information that is not relevant to Plaintiff’s claims of copyright infringement.

21 Subject to its general and specific objections, and based on its current
22 investigation, Autodesk lacks sufficient information to admit or deny the Request
23 and on that basis DENIES it.

24 **REQUEST FOR ADMISSION NO. 3**

25 EXHIBIT 134, in the Complaint (Doc 31) pages 166 through 170, inclusive,
26 is a true and correct copy of portions of contents of the Autodesk Web Page on
27 Thursday, November 23, 2017, at 10:40:16 AM.

28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

2 Autodesk objects that the Request is compound and directed to multiple
3 matters and therefore improper. Autodesk objects to the Request as vague and
4 ambiguous. Autodesk further objects that the use of "e.g." renders the Request
5 vague and ambiguous. Autodesk objects to the extent the Request seeks
6 information not in Autodesk's possession and control or that is as available to
7 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
8 information that is not relevant to Plaintiff's claims of copyright infringement.

9 Subject to its general and specific objections, and based on its current
10 investigation, Autodesk ADMITS that Exhibit 134 reflects content from an
11 Autodesk website, but otherwise DENIES the Request.

12 **REQUEST FOR ADMISSION NO. 4**

13 The attached document EXHIBIT D having a date of July 25, 2011 showing
14 an amendment of OSL source code; is a true and correct copy of a document
15 located at:

16 <https://github.com/imageworks/OpenShadingLanguage/commit/23253ec3b91a0620e73f92568eb7b4ccdd60cf48>.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 4**

19 Autodesk objects that the Request is compound and directed to multiple
20 matters and therefore improper. Autodesk objects to the Request as vague and
21 ambiguous. Autodesk further objects that the use of "e.g." renders the Request
22 vague and ambiguous. Autodesk objects to the extent the Request seeks
23 information not in Autodesk's possession and control or that is as available to
24 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
25 information that is not relevant to Plaintiff's claims of copyright infringement.

26 Subject to its general and specific objections, and based on its current
27 investigation, Autodesk lacks sufficient information to admit or deny the Request
28 and on that basis DENIES it.

1 **REQUEST FOR ADMISSION NO. 5**

2 The attached document EXHIBIT E showing an amendment of OSL source
3 code on about December 1, 2017; is a true and correct copy of a document located
4 at:

5 <https://github.com/imageworks/OpenShadingLanguage/commit/897c20dce6b7fe8df5ea2d15cb69f39a7cef32b5>.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

8 Autodesk objects that the Request is compound and directed to multiple
9 matters and therefore improper. Autodesk objects to the Request as vague and
10 ambiguous. Autodesk further objects that the use of "e.g." renders the Request
11 vague and ambiguous. Autodesk objects to the extent the Request seeks
12 information not in Autodesk's possession and control or that is as available to
13 Plaintiff as Autodesk. Autodesk objects to the extent that the Request is directed to
14 information that is not relevant to Plaintiff's claims of copyright infringement.

15 Subject to its general and specific objections, and based on its current
16 investigation, Autodesk lacks sufficient information to admit or deny the Request
17 and on that basis DENIES it.

18

19 Dated: January 16, 2018 By: /s/ Richard S.J. Hung

20

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MORRISON & FOERSTER LLP
Attorneys for Defendant
AUTODESK, INC.

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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on January 16, 2018, I served a copy of:

**DEFENDANT AUTODESK, INC.'S RESPONSES
AND OBJECTIONS TO PLAINTIFF'S REQUEST
FOR ADMISSION NO. 4**

- BY U.S. MAIL [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

- BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

Louis A. Coffelt, Jr.
231 E. Alessandro Blvd., Suite 6A-504
Riverside, CA 92508
Phone: (951) 790-6086
Email: Louis.Coffelt@gmail.com

Fax
 U.S. Mail
 Overnight
 Personal
 Electronic Service

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed at San Francisco, California, this 16th day of January, 2018.

3
4
5 Gina L. Gerrish
6 (typed) _____

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13 (signature)

EXHIBIT C

1 RICHARD S.J. HUNG (CA SBN 197425)
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9 MORRISON & FOERSTER LLP
707 Wilshire Boulevard
10 Los Angeles, CA 90017-3543
Telephone: (213) 892-5428
11 Facsimile: (213) 892-5454

12 || Attorneys for Autodesk, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

17 LOUIS A. COFFELT, JR.

18 Plaintiff,

19 v.

21 AUTODESK, INC., a Delaware
Corporation.

22 Defendant.

Case No.: 5:17-cv-01684-FMO-SHK

**DEFENDANT AUTODESK, INC.'S
RESPONSES AND OBJECTIONS
TO PLAINTIFF'S REQUEST FOR
ADMISSION NO. 5**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and the Local Rules for the Central District of California, Defendant Autodesk, Inc. (“Autodesk”) provides the following responses and objections to Plaintiff’s Request for Admission No. 5 (“Requests”), dated December 13, 2017, based on information reasonably available to Autodesk as of this date.

PRELIMINARY STATEMENT

Autodesk has not completed its investigation of the facts relating to this case and may amend or revise its responses after additional investigation, research, and analysis. Autodesk bases its responses on currently available information and without prejudice to its right to provide or introduce subsequently discovered information.

GENERAL OBJECTIONS

- 13 1. Autodesk objects that the Requests are not sequentially renumbered without
14 repeating numbers from previously served sets as required by Local Rule 36-1.

15 2. Autodesk objects to the extent a Request seeks an admission that is not
16 relevant to Plaintiff's claims of copyright infringement.

17 3. Autodesk objects that the use of "e.g." in the Requests renders the Request
18 vague and ambiguous.

19 4. Autodesk objects to the definition of "Autodesk" as overly broad because it
20 includes "all worldwide subsidiaries, e.g. [sic] including Autodesk England, France,
21 Germany, Italy." Autodesk interprets "Autodesk" to be limited to Autodesk, Inc.

RESPONSES AND OBJECTIONS

23 | REQUEST FOR ADMISSION NO. 1

Autodesk does not have any genuine issue of material fact directed to the copyright infringement claims in the Complaint (Doc 32-1).

26 | RESPONSE TO REQUEST FOR ADMISSION NO. 1

27 Subject to its general objections, and based on its current investigation,
28 Autodesk ADMITS that there is no genuine issue of material fact that Autodesk

1 does NOT infringe any copyright of Mr. Coffelt. Stated otherwise, Autodesk
2 ADMITS that it does NOT infringe any of Mr. Coffelt's claims. Autodesk
3 otherwise DENIES the Request.

4 **REQUEST FOR ADMISSION NO. 2**

5 Autodesk does not have any genuine issue of material fact directed to the
6 Complaint.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

8 Autodesk objects to the Request vague, ambiguous, and compound.

9 Subject to its general and specific objections, Autodesk DENIES that there
10 are no genuine issues of material fact relating to Mr. Coffelt's allegations in the
11 Complaint or Amended Complaint.

12 **REQUEST FOR ADMISSION NO. 3**

13 Autodesk's Products do not contain an affirmative defense to the copyright
14 infringement claims in the Complaint (Doc 32-1).

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

16 Autodesk objects to the Request as nonsensical and vague and ambiguous as
17 to "contain." Autodesk also objects to the Request as directed to multiple matters
18 and compound and therefore improper.

19 Subject to its general and specific objections, and based on its current
20 investigation, Autodesk DENIES the Request.

21 **REQUEST FOR ADMISSION NO. 4**

22 Autodesk's Products do not contain an affirmative defense to the Complaint
23 (Doc 32-1).

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 4**

25 Autodesk objects to the Request as nonsensical and vague and ambiguous as
26 to "contain." Autodesk also objects to the Request as directed to multiple matters
27 and compound and therefore improper.

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk DENIES the Request.

3 **REQUEST FOR ADMISSION NO. 5**

4 On about September 4, 2017, Autodesk was apprised of Coffelt's intent to
5 seek production of items 26, 27, 28, 32, 33, 34, 44, 45, and 46 in the Request.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

7 Autodesk objects to the Request as directed to multiple matters and
8 compound and therefore improper. Autodesk also objects to the Request as seeking
9 irrelevant information.

10 Subject to its general and specific objections, and based on its current
11 investigation, Autodesk ADMITS that Mr. Coffelt attempted to serve a "Request
12 for Preparation of Discovery Information and Documents" on September 6, 2017
13 that he later withdrew. Autodesk further ADMITS that that document included
14 items 26, 27, 28, 32, 33, 34, 44, 45, and 46 and that Mr. Coffelt's November 8,
15 2017 "Request for Information and Documents No. 1" included similar items.
16 Except as expressly admitted, Autodesk DENIES the Request.

17 **REQUEST FOR ADMISSION NO. 6**

18 On about November 8, 2017, Autodesk was apprised of Coffelt's request for
19 production of items 26, 27, 28, 32, 33, 34, 44, 45, and 46 in the Request.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

21 Autodesk objects to the Request as directed to multiple matters and
22 compound and therefore improper. Autodesk also objects to the Request as seeking
23 irrelevant information.

24 Subject to its general and specific objections, and based on its current
25 investigation, Autodesk ADMITS that Mr. Coffelt attempted to serve his "Request
26 for Information and Documents No. 1" on November 8, 2017 and that this
27 document included items 26, 27, 28, 32, 33, 34, 44, 45, and 46. Autodesk DENIES
28 that service was valid or that Mr. Coffelt's November 8, 2017 document made clear

1 what documents or information he was seeking. Except as expressly admitted,
2 Autodesk otherwise DENIES the Request.

3 **REQUEST FOR ADMISSION NO. 7**

4 A specific answer to item 26, 27, 28, 32, 33, 34, 44, 45, and 46 in The
5 Request is potentially an affirmative defense to the copyright infringement claims
6 in the Complaint (Doc. 32-1). e.g. a comparison of Autodesk's source code to
7 Coffelt's source code may prove copyright infringement exist [*sic*]; or may prove
8 copyright infringement does not exist.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

10 Autodesk objects that the Request is compound and directed to multiple
11 matters and therefore improper. Autodesk objects to the Request as nonsensical
12 and vague and ambiguous as to “[a] specific answer . . . is potentially an affirmative
13 defense.” Autodesk also objects to the Request as seeking irrelevant information.

14 Subject to its general and specific objections, and based on its current
15 investigation, Autodesk DENIES that any information requested by items 26, 27,
16 28, 32, 33, 34, 44, 45, and 46 of the Request is relevant to any claim and therefore
17 any defense in this case. Autodesk otherwise DENIES the remainder of this
18 Request.

19 **REQUEST FOR ADMISSION NO. 8**

20 A specific answer to item 26, 27, 28, 32, 33, 34, 44, 45, and 46 in The
21 Request is potentially an affirmative defense to the Complaint (Doc. 32-1). e.g. a
22 comparison of Autodesk's source code to Coffelt's source code may prove
23 copyright infringement exists; or may prove copyright infringement does not exist.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

25 Autodesk objects that the Request is compound and directed to multiple
26 matters and therefore improper. Autodesk objects to the Request as nonsensical
27 and vague and ambiguous as to “[a] specific answer . . . is potentially an affirmative
28 defense.” Autodesk also objects to the Request as seeking irrelevant information.

1 Subject to its general and specific objections, and based on its current
2 investigation, Autodesk DENIES that any information requested by items 26, 27,
3 28, 32, 33, 34, 44, 45, and 46 of the Request is relevant to any claim and therefore
4 any defense in this case. Autodesk otherwise DENIES the remainder of this
5 Request.

6 **REQUEST FOR ADMISSION NO. 9**

7 Autodesk did not answer item 26, 27, 28, 32, 33, 34, 44, 45, and 46 in The
8 Request with an affirmative defense directed to any Autodesk's [sic] Products.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

10 Autodesk objects that the Request is compound and directed to multiple
11 matters and therefore improper. Autodesk objects to the Request as assuming facts,
12 including that service was valid and that Autodesk was obligated to answer the
13 identified items with an affirmative defense relating to Autodesk products.
14 Autodesk also objects to the Request as seeking irrelevant information.

15 Subject to its general and specific objections, and based on its current
16 investigation, Autodesk DENIES that it was obligated to answer the identified
17 items, much less with an affirmative defense, or that the identified items requested
18 that Autodesk respond with an affirmative defense. Autodesk otherwise DENIES
19 the remainder of this Request.

20 **REQUEST FOR ADMISSION NO. 10**

21 Autodesk did not request any modifications to item 26, 27, 28, 32, 33, 34, 44,
22 45, and 46 in The Request, which may cause Autodesk to produce an affirmative
23 defense directed to any Autodesk's [sic] Products.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

25 Autodesk objects that the Request is compound and directed to multiple
26 matters and therefore improper. Autodesk objects to the Request as assuming facts,
27 including that Autodesk was obligated to request modifications to the identified
28 items and that service was valid. Autodesk also objects to the Request as vague and

1 ambiguous as to “which may cause Autodesk to produce an affirmative defense
2 directed to any Autodesk’s Products” and generally incomprehensible. Autodesk
3 also objects to the Request as seeking irrelevant information.

4 Subject to its general and specific objections, and based on its current
5 investigation and best understanding of the Request, Autodesk DENIES that it was
6 obligated to request any modifications and therefore DENIES the Request.
7 Autodesk otherwise DENIES the remainder of this Request.

8 **REQUEST FOR ADMISSION NO. 11**

9 Autodesk has an ability to immediately produce an affirmative defense
10 directed to any Autodesk’s [sic] Products.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

12 Autodesk objects to the Request as assuming facts, including that Autodesk
13 is obligated to “immediately produce an affirmative defense” in light of the
14 dismissal of Mr. Coffelt’s Complaint and the obvious lack of merit to his claims.
15 Autodesk also objects to the Request as vague and ambiguous as to “immediately
16 produce an affirmative defense directed to any Autodesk’s Products” and generally
17 incomprehensible. Autodesk also objects to the Request as seeking irrelevant
18 information.

19 Subject to its general and specific objections, and based on its current
20 investigation, Autodesk ADMITS that it has defenses to Mr. Coffelt’s claims,
21 including that Autodesk does not infringe and has not infringed any copyright of
22 Mr. Coffelt and that the Court has already dismissed his Complaint. Autodesk
23 otherwise DENIES the remainder of this Request.

24 **REQUEST FOR ADMISSION NO. 12**

25 Autodesk has an ability to immediately produce an affirmative defense
26 directed to any Autodesk Products within 30 days of service of this Request for
27 Admission.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

2 Autodesk objects to the Request as assuming facts, including that Autodesk
3 is obligated to “immediately produce an affirmative defense” in light of the
4 dismissal of Mr. Coffelt’s Complaint and the obvious lack of merit to his claims.
5 Autodesk also objects to the Request as vague and ambiguous as to “immediately
6 produce an affirmative defense directed to any Autodesk Products” and generally
7 incomprehensible. Autodesk also objects to the Request as seeking irrelevant
8 information.

9 Subject to its general and specific objections, and based on its current
10 investigation, Autodesk ADMITS that it has defenses to Mr. Coffelt’s claims,
11 including that Autodesk does not infringe and has not infringed any copyright of
12 Mr. Coffelt and that the Court has already dismissed his Complaint. Autodesk
13 DENIES that it is obligated to immediately produce an affirmative defense without
14 30 days of service of this Request. Autodesk otherwise DENIES the remainder of
15 this Request.

16 **REQUEST FOR ADMISSION NO. 13**

17 Autodesk does not intend to produce any affirmative defense directed to any
18 Autodesk Products.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 13**

20 Autodesk objects to the Request as assuming facts, including that Autodesk
21 is obligated to and has not already identified defenses to Mr. Coffelt’s claims.
22 Autodesk also objects to the Request as vague and ambiguous as to “produce any
23 affirmative defense directed to any Autodesk Products” and generally
24 incomprehensible. Autodesk also objects to the Request as seeking irrelevant
25 information.

26 Subject to its general and specific objections, and based on its current
27 investigation, Autodesk ADMITS that it has defenses to Mr. Coffelt’s claims and
28 has identified them to Mr. Coffelt. These include that Autodesk does not infringe

1 and has not infringed any copyright of Mr. Coffelt. Autodesk DENIES that it lacks
2 defenses to Mr. Coffelt's claims. Autodesk otherwise DENIES the remainder of
3 this Request.

4

5 Dated: January 29, 2018 By: /s/ Richard S.J. Hung

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7 MORRISON & FOERSTER LLP
8 Attorneys for Defendant
AUTODESK, INC.

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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on January 29, 2018, I served a copy of:

**DEFENDANT AUTODESK, INC.'S RESPONSES
AND OBJECTIONS TO PLAINTIFF'S REQUEST
FOR ADMISSION NO. 5**

- BY U.S. MAIL [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

- BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

Louis A. Coffelt, Jr. _____ Fax
231 E. Alessandro Blvd., Suite 6A-504 U.S. Mail
Riverside, CA 92508 Overnight
Phone: (951) 790-6086 Personal
Email: Louis.Coffelt@gmail.com Electronic Service

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed at San Francisco, California, this 29th day of January, 2018.

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5 Gina L. Gerrish
6 (typed) _____

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EXHIBIT D



Louis Coffelt <louis.coffelt@gmail.com>

5:17-cv-01684-FMO-SHK Louis A Coffelt Jr. v. Autodesk, Inc

5 messages

Louis Coffelt <louis.coffelt@gmail.com>

To: "Hung, Richard S. J." <RHung@mofo.com>, "Brewer, Robin L." <RBrewer@mofo.com>, "Gerrish, Gina L." <GGerrish@mofo.com>, "Lee, Rose S." <RoseLee@mofo.com>, "Rahebi, Bita" <BRahebi@mofo.com>, cwiener@mofo.com

Mr. Hung,

Do you believe there are any defects or errors in the Second Amended Complaint (Doc 35, 35-1, 35-2) which may be corrected by amendment?

Best regards,

Louis A. Coffelt, Jr.
(951) 790-6086

Hung, Richard S. J. <RHung@mofo.com>

To: Louis Coffelt <louis.coffelt@gmail.com>

Cc: "Brewer, Robin L." <RBrewer@mofo.com>, "Gerrish, Gina L." <GGerrish@mofo.com>, "Lee, Rose S." <RoseLee@mofo.com>, "Rahebi, Bita" <BRahebi@mofo.com>, "Wiener, Christopher J." <CWiener@mofo.com>

Mr. Coffelt,

We believe that your complaint lacks merit and cannot be cured via amendment.

Rich

On Jan 15, 2018, at 11:33 AM, Louis Coffelt <louis.coffelt@gmail.com> wrote:

- External Email -

[Quoted text hidden]

=====

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

5

Louis Coffelt <louis.coffelt@gmail.com>
To: "Hung, Richard S. J." <RHung@mofo.com>

Tue, Jan 16, 2018 at 11:33 AM
<https://mail.google.com/mail/u/0/?ui=2&ik=d1d5cc6609&jsver=2WGMGQ4tSfE.en.&view=pt&search=sent&th=1610083986dc15ea&siml=160fb4ff276d6369&siml=160fffcbf5148cb7&siml=1610075de110...> 1/4

1/24/2018

Gmail - 5:17-cv-01684-FMO-SHK Louis A Coffelt Jr. v. Autodesk, Inc

Cc: "Lee, Rose S." <RoseLee@mofo.com>, "Christopher J. Wiener" <cwiener@mofo.com>, "Rahebi, Bita" <BRahebi@mofo.com>, "Brewer, Robin L." <RBrewer@mofo.com>, "Gerrish, Gina L." <GGerrish@mofo.com>

Mr. Hung,

Would you like to discuss your contentions prior to filling your answer or motion?

Best regards,

Louis A. Coffelt, Jr.
(951) 790-6086
[Quoted text hidden]

Hung, Richard S. J. <RHung@mofo.com>
To: Louis Coffelt <louis.coffelt@gmail.com>
Cc: "Lee, Rose S." <RoseLee@mofo.com>, "Wiener, Christopher J." <CWiener@mofo.com>, "Rahebi, Bita" <BRahebi@mofo.com>, "Brewer, Robin L." <RBrewer@mofo.com>, "Gerrish, Gina L." <GGerrish@mofo.com>

Mr. Coffelt,

The bases are largely the same as those that we raised in our prior motion, which the Court granted. You also have already amended twice. So I do not think that further discussion would be productive.

Rich

Richard S.J. Hung
Morrison & Foerster LLP
rhung@mofo.com
(415) 268-7602

From: Louis Coffelt [mailto:louis.coffelt@gmail.com]
Sent: Tuesday, January 16, 2018 11:33 AM
To: Hung, Richard S. J.
Cc: Lee, Rose S.; Wiener, Christopher J.; Rahebi, Bita; Brewer, Robin L.; Gerrish, Gina L.
Subject: Re: 5:17-cv-01684-FMO-SHK Louis A Coffelt Jr. v. Autodesk, Inc

- External Email -

Mr. Hung,

Would you like to discuss your contentions prior to filling your answer or motion?

Best regards,

Louis A. Coffelt, Jr.
(951) 790-6086

On Jan 16, 2018 9:20 AM, "Hung, Richard S. J." <RHung@mfo.com> wrote:
Mr. Coffelt,

We believe that your complaint lacks merit and cannot be cured via amendment.

Rich

On Jan 15, 2018, at 11:33 AM, Louis Coffelt <louis.coffelt@gmail.com> wrote:

- External Email -

Mr. Hung,

Do you believe there are any defects or errors in the Second Amended Complaint (Doc 35, 35-1, 35-2) which may be corrected by amendment?

Best regards,

5
W

Louis A. Coffelt, Jr.

1/24/2018

Gmail - 5:17-cv-01684-FMO-SHK Louis A Coffelt Jr. v. Autodesk, Inc

(951) 790-6086

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

Louis Coffelt <louis.coffelt@gmail.com>

To: "Hung, Richard S. J." <RHung@mofo.com>

Cc: "Lee, Rose S." <RoseLee@mofo.com>, "Christopher J. Wiener" <cwiener@mofo.com>, "Brewer, Robin L." <RBrewer@mofo.com>, "Rahebi, Bita" <BRahebi@mofo.com>, "Gerrish, Gina L." <GGerrish@mofo.com>

Mr Hung,

I believe the Second Amended Complaint has corrected the prior defect or errors.

In light of your decline to discuss any Autodesk's contentions, I will respond after Autodesk files any answer or motion.

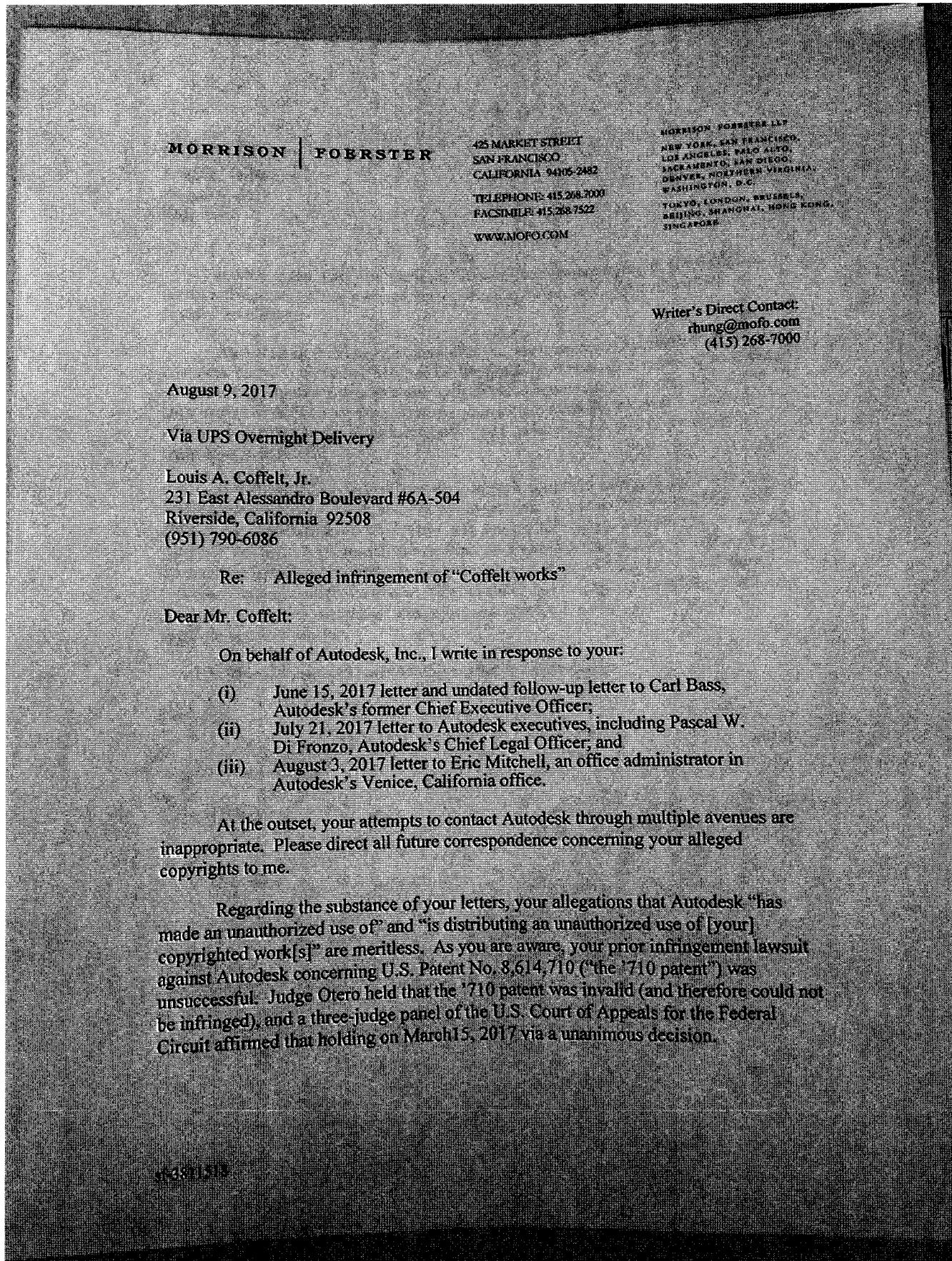
Best regards,
Louis A. Coffelt, Jr.
[Quoted text hidden]

Tue, Jan 16, 2018 at 11:47 AM

EXHIBIT E

1/23/2018

IMG_20170826_093923723_hung_mapped_object_shadow_0_.jpg



August 9, 2017

Via UPS Overnight Delivery

Louis A. Coffelt, Jr.
231 East Alessandro Boulevard #6A-504
Riverside, California 92508
(951) 790-6086

Re: Alleged infringement of "Coffelt works"

Dear Mr. Coffelt:

On behalf of Autodesk, Inc., I write in response to your:

- (i) June 15, 2017 letter and undated follow-up letter to Carl Bass, Autodesk's former Chief Executive Officer;
- (ii) July 21, 2017 letter to Autodesk executives, including Pascal W. Di Fronzo, Autodesk's Chief Legal Officer; and
- (iii) August 3, 2017 letter to Eric Mitchell, an office administrator in Autodesk's Venice, California office.

At the outset, your attempts to contact Autodesk through multiple avenues are inappropriate. Please direct all future correspondence concerning your alleged copyrights to me.

Regarding the substance of your letters, your allegations that Autodesk "has made an unauthorized use of" and "is distributing an unauthorized use of [your] copyrighted work[s]" are meritless. As you are aware, your prior infringement lawsuit against Autodesk concerning U.S. Patent No. 8,614,710 ("the '710 patent") was unsuccessful. Judge Otero held that the '710 patent was invalid (and therefore could not be infringed), and a three-judge panel of the U.S. Court of Appeals for the Federal Circuit affirmed that holding on March 5, 2017 via a unanimous decision.

1/23/2018

IMG_20170826_093923723_hung_mapped_object_shadow_1.jpg

MORRISON | FOERSTER

Louis A. Coffelt, Jr.

August 9, 2017

Page Two

Having failed with your previous lawsuit, you now are trying to convert your patent infringement claim into one for copyright infringement. Your new claim is equally frivolous.

As Autodesk previously explained to you via letter dated February 9, 2016, Autodesk had developed its "Mapped Object Shadow" feature (the apparent basis for your new copyright infringement claim) by 2006. Accordingly, Autodesk could not have copied or derived anything from the source code excerpts that you forwarded, which you apparently developed in or after 2011 and for which you first sought copyrights in late 2016.

If we have misunderstood the basis of your copyright infringement claim, we would appreciate your clarification of your positions. In particular, we ask that you identify the specific feature(s) of AutoCAD, Fusion 360, Maya, InfraWorks, AutoCAD Civil 3D, or Revit that allegedly are derived from your copyrighted works. We also ask that you explain how Autodesk allegedly acquired access to your copyrighted work (whether during your imprisonment with the California Department of Corrections, as you have previously alleged, or otherwise) and provide documentary evidence supporting your assertion.

Otherwise, we will consider this matter to be resolved.

Sincerely,



Richard Hung

sf-3811518

CERTIFICATE OF SERVICE

I, Louis A. Coffelt, Jr. (Coffelt), hereby certify that on the 31st day of January, 2018, Coffelt filed the the foregoing document **OPPOSITION TO MOTION TO DISMISS COMPLAINT, Fed. R. Civ. P. 12(b)(6)** with the Clerk of the Court, in case No. 5:17-cv-01684-FMO-SHK, as follows:

Office of the Clerk
United States District Court for the Central District of California
312 North Spring Street, Los Angeles, CA 90012

And further caused to be served one copy of the foregoing document **OPPOSITION TO MOTION TO DISMISS COMPLAINT, Fed. R. Civ. P. 12(b)(6)** by U.S. mail, postage prepaid, in case 5:17-cv-01684-FMO-SHK to the following attorneys of record:

Richard S.J. Hung
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7602 (direct)
(415) 268-7522 (fax)
rhung@mofo.com

Date: January 31, 2018

By: 

Louis A. Coffelt, Jr.

Plaintiff

Pro Se